

# The Philadelphia Prison System: Our Response to Overcrowding

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Corrections is a funny business—which should not be a great revelation to anyone interested enough to read this article. Just when you think you finally have a situation under control, an unexpected twist appears, a new voice is heard from, or additional influence is brought to bear on the problem. This is what has happened in Philadelphia.

When I first decided to write about the Philadelphia Prison System's response to overcrowding and court-ordered maximum capacities, we seemed to have gotten over the hump. Our population was hovering around 3,800, very close to our maximum capacity of 3,750; minor corrections in our population reduction mechanisms seemed all that were needed to remain in compliance.

I was going to explain how these release mechanisms and changes in our information and communication systems had helped to solve our

problem. I was also going to explain how close cooperation with court-appointed Masters and other parts of the criminal justice system, as well as the creation of a distinct Population Management Unit, had enabled us to meet our goals in the fight against overcrowding.

Finally, I was going to report that the key element underlying our success was a change from corrections' historical role as a passive element of the criminal justice system to a proactive stance in managing and controlling our environment.

I wanted to explain all of this in the hope that other systems might benefit from what we have done. Unfortunately, we ran smack into the Law of Conservation of Matter and Energy, which for my purpose here suggests that problems, like matter, cannot easily be destroyed.

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contempt citations from both federal and state courts. Still, I think both our concepts and our programs are valid and useful

and have much to offer other overcrowded prisons. Additionally, you may be able to avoid some of our pitfalls as you develop your own strategies for dealing with overcrowding.

With that introduction, I want to tell you enough about the system for you to assess the applicability of our methods to your own circumstances.

The Philadelphia Prison System is one of the largest county jail systems in the country, with a population, as of this writing, of just over 4,700 inmates, including about 260 women. The system is composed of eight separate facilities plus an on-site, 100-bed hospital, a detention ward at a local community hospital, and a 40-bed unit at the Youth Study Center, which holds youths who have been certified to be tried as adults. The buildings range

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in age from two to almost 100 years and hold as few as 60 people to as many as 1,200. Our sentenced population of approximately 1,200



usually is serving maximum sentences of less than two years, although, at the order of the court, we can hold those whose maximum sentence is less than five years. We also have a pre-release program with approximately 120 participants and a weekend sentence population of almost 100.

We are not a direct booking center for most of our detentioner population, who spend the first four to six hours after arrest in police custody, where they are booked, interviewed for suitability for R.O.R. release, and have a preliminary arraignment. Only those charged with violation of state or county probation or parole (approximately 300 people currently) are admitted directly after arrest. Our detentioner population ranges from those charged with minor offenses whose bails are set in the hundreds of dollars to major offenders whose bails are in the millions.

**O**ur relationship with court-appointed prison masters stems from a class action lawsuit brought in 1971. ***Jackson v. Henrick*** was a state court suit on prison conditions and overcrowding that was settled through a series of consent decrees and orders during the period from 1976 through 1988.

In addition to mandating many physical plant improvements,

medical and program enhancements, and staff increases, a court order arising from the case set a population capacity equal to the number of single cell spaces available. That order, mandating single cell occupancy, was overturned by the Philadelphia State Supreme Court in January 1986, when it found that double celling was not, in and of itself, unconstitutional.

The court also ordered construction of new facilities and additional bed space within existing facilities to provide relief for overcrowding. Due to financial and administrative impediments, we were regularly unable to meet construction timelines. All the while, our population continued to grow.

Meanwhile, in 1982, another class action suit alleging unconstitutional overcrowding was filed in federal court. In certifying ***Harris v. Pemsley*** as a class action, the court found that although substantial improvements were made in accordance with the prison conditions portion of ***Jackson v. Hendrick***, the underlying issue of overcrowding still entitled the plaintiffs to relief.

In 1986, the City of Philadelphia settled the case, with federal court approval. The settlement established a maximum capacity for the entire

system as well as individual capacities for each facility. A Special Master was appointed to monitor compliance.

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Philadelphia has for years had a Pre-Trial Services Unit and a ten-percent cash bail program, as well as a relationship with other agencies that provide release services. In addition, built into the state and federal settlement agreements were a variety of mechanisms designed to lower the population while safeguarding the public from violent offenders. This mixture of programs and services enabled us to keep our heads above water.

As outlined in the insert on the following page, our budget funds a variety of diversionary programs, bail efforts, and early parole projects, which together have helped reduce our population. However, these efforts have not been sufficient to reach compliance with the federal court order. As a result, the federal court imposed a limited moratorium on new detentioner admissions until the maximum population was reached.



**The elements that make up Philadelphia's overcrowding relief system include:**

1. A court-operated Pre-Trial Services Unit, which screens all newly arrested people to provide recommendations to the court for release on recognizance, reduced bail amounts, or conditional release to treatment, such as drug/alcohol abuse or mental health programs.
2. A ten-percent cash bail program, including a method to accept equity in property to satisfy bail.
3. A Special Bail Master, who hears cases of incarcerated people who present relatively low risk. These hearings can result in any of the following: a reduction in bail; release on recognizance; release to a supervised program, such as Offender Aid and Restoration, a private, non-profit operation partially funded by the prison system to provide supervision and counselling to low-risk detainees; if the risk seems too high for less structured approaches, release to the Probation Department's Intensive Supervision Program, which supervises higher-risk detainees released through the Bail Master and sentenced inmates released on early parole; or a designation as "must be tried" at the next court appearance, meaning that the District Attorney must be ready to try the case on the next listing, or the defendant will be released on recognizance. The Bail Master hearings resulted in the release from custody of 1,378 people during 1988.
4. The Philadelphia People's Bail Fund, a private, non-profit agency completely funded by the prison system, which provides bail assistance to indigent persons. The Fund pledges money provided by the prisons system or community church property as collateral to effect release. The resident's family or friends must sign the bond, becoming legally and financially responsible for his or her appearance in court. This results in an extremely low failure-to-appear rate, giving the program credibility with the courts.
5. The Community Service Orders Project, an early parole mechanism administered by the Pennsylvania Prison Society and totally funded by the Philadelphia Prison System. In exchange for every 25 hours of community service, low-risk sentenced residents can be paroled from one to six months early, if approved by the committing judge with on input from the District Attorney. The Project matches the offender's skills with the needs of a community agency and provides counselling and referrals to treatment programs. During 1988, 166 residents were released early, for a total savings of 22 years and six days of incarceration time.
6. The Philadelphia Prison System's new electronic monitoring program, which will provide house arrest supervision for low-risk sentenced residents and detentioners. At present, the program is used for work release residents and weekenders who have shown an ability to accept community responsibility; it has also been proposed as an acceptable intermediate sanction for those who have failed to appear at court hearings.

The moratorium on new admissions worked for a short while, but the failure-to-appear rate started to rise. At the request of the District Attorney, who believes that the population cap was set too low, more and more exceptions were granted to the ban on admissions. With each new exception, the population grew. The most recent

have been lodged because the information on admission would not have been readily available.

The improved record keeping system has temporarily increased our population by lengthening the time needed to clear away all outstanding warrants prior to release. In the long run, however, it should reduce admissions and their high front-end costs.

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Creation of our Population Management Unit has led to the most

exception, which allows the admission of persons who have failed to appear at least twice previously, was the straw that broke our back.

At the same time, at the urging of the federal court, we were improving our record keeping system and making those records available to all other parts of the criminal justice system. This allowed for the prompt lodging of old bench warrants for people admitted on new cases. In the past, bench warrants would not

important improvement yet. It heralded our change in role to an active participant and leader in the process. Under the direction of the Mayor's Criminal Justice Coordinating Commission, a multi-agency policy making board, working groups of management staff were formed to recommend specific improvements in criminal justice system operation that would impact on overcrowding. Overcrowding was no longer just a prison problem; it became a system problem, demanding a-system solution.

So here we are. The federal court is considering some immediate and dramatic action to reduce our population, the state court is considering a contempt motion, and we are at least two years away from completing any new cells. Yet our mixture of population reduction programs has been effective and will continue to eliminate from our prisons those people who do not require a high level of structure and security. Without these mechanisms, our population long ago would have totally overwhelmed our capacity to provide a safe, healthful, and constitutional environment. We have avoided a major crisis in Philadelphia, and our release programs have played a major role in that accomplishment. We are not where we want to be, but we are a long way from where we might have been.

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